

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN J. NEALEN, :  
Plaintiff, :  
v. : Case No. 3:06-cv-219-KRG-KAP  
STEPHEN F. KAZMER, et al., :  
Defendants :  
:

Report and Recommendation

Recommendation

Plaintiff sent a pleading to the Clerk which despite its title is really a motion to reconsider the dismissal of this matter. See docket no. 27. I recommend it be denied.

Report

Plaintiff raises a number of issues, but his arguments are aimed at no alleged error in the original ruling. Plaintiff simply wishes the federal court to intercede in his state court litigation. Because of the scattershot nature of plaintiff's original complaint, I let the matter develop to see if there was a claim within this court's jurisdiction. It is now clear that there is not and that plaintiff confuses this court's role with that of the Pennsylvania Superior Court. Whether plaintiff is in state court willingly or unwillingly is of no moment: federal courts do not have supervisory authority over state courts. The relief plaintiff seeks should be denied.

Pursuant to 28 U.S.C. § 636(b)(1), the parties are given notice that they have ten days to serve and file written objections to this Report and Recommendation.

DATE: October 12, 2007

*[Signature]*  
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Keith A. Pesto,  
United States Magistrate Judge

Notice by ECF to counsel of record and by U.S. Mail to:

John J. Nealen  
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Nicktown, PA 15762